

# **EXHIBIT B**

ESSEX COUNTY - CIVIL DIVISION  
SUPERIOR COURT OF NJ  
465 MARTIN LUTHER KING JR BLVD  
NEWARK NJ 07102

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (973) 776-9300  
COURT HOURS 8:30 AM - 4:30 PM

DATE: FEBRUARY 09, 2021  
RE: FERARY ANNELL VS STARBUCKS  
DOCKET: ESX L -001082 21

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS  
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON ROBERT H. GARDNER

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001  
AT: (973) 776-9300 EXT 57395.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A  
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.  
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE  
WITH R.4:5A-2.

ATTENTION:

ATT: ROBERT M. RICH  
ROBERT M. RICH  
25 POMPTON AVE.  
VERONA NJ 07044

ECOURTS

ESSEX COUNTY - CIVIL DIVISION  
SUPERIOR COURT OF NJ  
465 MARTIN LUTHER KING JR BLVD  
NEWARK NJ 07102

DISMISSAL NOTICE

TELEPHONE - (973) 776-9300 EXT. 57395, JUAN ALVAREZ TEAM 001  
COURT HOURS: 8:30 AM - 4:30 PM

DATE: JUNE 25, 2021  
RE: FERARY ANNELL VS STARBUCKS  
DOCKET: ESX L -001082 21  
PARTY: STARBUCKS

PLEASE TAKE NOTICE THAT ON AUGUST 24, 2021 (60 DAYS FROM DATE OF THIS NOTICE), THE COURT WILL DISMISS THE ABOVE PARTY OR PARTIES FOR LACK OF PROSECUTION WITHOUT PREJUDICE, PURSUANT TO RULE 1:13-7 OR RULE 4:43-2 UNLESS ACTION REQUIRED UNDER THE ABOVE RULES IS TAKEN.

HON ROBERT H. GARDNER

---

JUDGE

ATT: ROBERT M. RICH  
ROBERT M. RICH  
25 POMPTON AVE.  
VERONA NJ 07044

ESSEX COUNTY - CIVIL DIVISION  
SUPERIOR COURT OF NJ  
465 MARTIN LUTHER KING JR BLVD  
NEWARK NJ 07102

TELEPHONE - (973) 776-9300 EXT. 57395, JUAN ALVAREZ  
COURT HOURS: 8:30 AM - 4:30 PM

TEAM 001  
DATE AUGUST 27, 2021

DOCKET NO. ESX L -001082 21  
NAME: FERARY ANNELL VS STARBUCKS

IT IS HEREBY ORDERED THAT UNDER RULES 1:13-7 OR 4:43-2, THE ABOVE MATTER HAS BEEN DISMISSED WITHOUT PREJUDICE FOR LACK OF PROSECUTION. THIS ORDER CLOSES FILE. JUDGMENTS PREVIOUSLY ENTERED IN THIS CASE ARE NOT AFFECTED BY THIS ORDER.

A FORMAL NOTICE OF MOTION IS NOW REQUIRED TO RESTORE THIS CASE TO ACTIVE TRIAL STATUS.

HON ROBERT H. GARDNER

---

JUDGE

ATT: ROBERT M. RICH  
ROBERT M. RICH  
25 POMPTON AVE.  
VERONA NJ 07044

Attorney(s): **Robert M. Rich, Esq.**

Attorney Id No.: **270481971**

Law Firm:

Address: **25 Pompton Avenue  
Verona, NJ 07044**

Telephone No.: **(973) 239-2255**

Fax No.: **(973) 239-6333**

E-Mail: **rrlaw@aol.com**

Attorney(s) for Plaintiff(s): **ANNETT OTTO FERARY,**

**ANNETT OTTO FERARY,**

vs.

**STARBUCKS,**

, Plaintiff(s)

, Defendant(s).

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION

ESSEX COUNTY

DOCKET NO.: **ESX-L-1082-21**

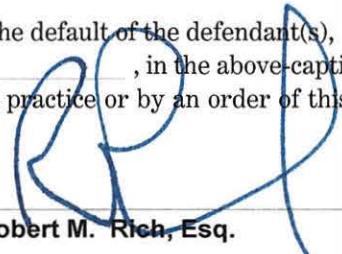
CIVIL ACTION

# Request to Enter

Default and Certification

To the CLERK of the above-named COURT:

PURSUANT TO R.4:43-1, please enter upon the docket the default of the defendant(s),  
**STARBUCKS**, in the above-captioned action for failure to plead or otherwise defend as provided by the rules of civil practice or by an order of this court, or because the answer of defendant(s) has been stricken with prejudice.

  
Robert M. Rich, Esq.

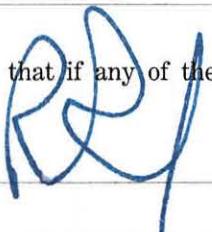
, Attorney(s) for Plaintiff(s)

## CERTIFICATION

**Robert M. Rich, Esq.**, of full age, hereby certifies as follows:

1. I am an attorney at law of the State of New Jersey, and am employed by the firm of \_\_\_\_\_, Attorney(s) for Plaintiff(s) in the above-captioned action.
2. The summons and a copy of the complaint in this action were served upon defendant(s) **STARBUCKS**, \_\_\_\_\_, on **July 9, 2021**, as appears from the return of the process filed with the court.
3. The time within which defendant(s) may answer or otherwise move as to the said complaint has expired, has not been extended or enlarged, and no defendant named herein has answered or otherwise moved.
4. Based on the above, I request the court to enter default against **Starbucks**, \_\_\_\_\_, pursuant to R.4:43-1.
5. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: **October 14, 2021**

  
Robert M. Rich, Esq.

ROBERT M. RICH  
Attorney Id No: 270481971  
25 Pompton Avenue  
Verona, NJ 07044  
(973) 239-2255  
Attorney for Plaintiff

---

ANNETT OTTO FERARY,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION-ESSEX COUNTY
Plaintiff,	:	DOCKET NO: ESX-L-001082-21
	:	
-vs-	:	
	:	
STARBUCKS,	:	CIVIL ACTION
	:	
	:	NOTICE OF MOTION
Defendant.	:	

---

TO: ESSEX COUNTY CLERK  
Newark, New Jersey 07102

SIR:

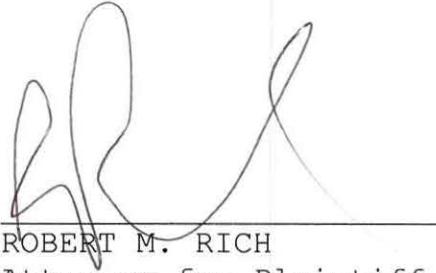
PLEASE TAKE NOTICE that the undersigned, attorney for the plaintiff, Annett Otto Ferary, shall apply before suchever Judge as this matter is assigned on November 5, 2021 at 9:00 a.m. in the forenoon or as soon thereafter as this matter is assigned, at the Essex County Court House, Newark, New Jersey, for an Order as follows:

Vacating the Order of Dismissal entered herein on August 27, 2021.

The undersigned will rely upon the Certification of Robert M. Rich in support of this application.

A proposed form of Order is attached.

Plaintiff waives oral argument and requests disposition on the papers.



ROBERT M. RICH  
Attorney for Plaintiff

Dated: October 19, 2021

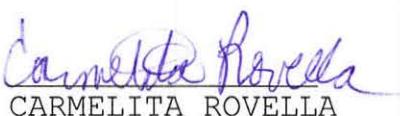
CERTIFICATION

1. I am the secretary of Robert M. Rich, attorney for plaintiff, in the above matter.

2. On October 19, 2021, I mailed the original of the within Notice of Motion, together with supporting papers to the Clerk of Essex County. Copies of same were mailed to the following:

ESSEX COUNTY CLERK  
Newark, New Jersey 07102

3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.



CARMELITA ROVELLA

ROBERT M. RICH  
Attorney Id No: 270481971  
25 Pompton Avenue  
Verona, NJ 07044  
(973)239-2255  
Attorney for Plaintiff

---

ANNETT OTTO FERARY, : SUPERIOR COURT OF NEW JERSEY  
Plaintiff, : LAW DIVISION-ESSEX COUNTY  
: DOCKET NO: ESX-L-001082-21  
:  
-vs- :  
:  
STARBUCKS, : CIVIL ACTION  
:  
: ORDER  
Defendant. :  

---

This matter having been heard before the Court upon the application of Robert M. Rich, attorney for plaintiff, and any reply papers thereto, and the Court having considered the papers and for good cause appearing,

IT IS ON THIS DAY OF , 2021,

ORDERED AS FOLLOWS:

That the Order dated August 27, 2021 be and is hereby vacated and the matter restored to the active trial list.

---

J.S.C.

PAPERS CONSIDERED:

Notice of Motion

Certification

Reply Papers

Other



ROBERT M. RICH  
Attorney Id No: 270481971  
25 Pompton Avenue  
Verona, NJ 07044  
(973) 239-2255  
Attorney for Plaintiff

---

ANNETT OTTO FERARY,	:	SUPERIOR COURT OF NEW JERSEY
Plaintiff,	:	LAW DIVISION-ESSEX COUNTY
	:	DOCKET NO: ESX-L-001082-21
	:	
-vs-	:	
	:	
STARBUCKS,	:	CIVIL ACTION
	:	
Defendant.	:	CERTIFICATION OF ROBERT M. RICH

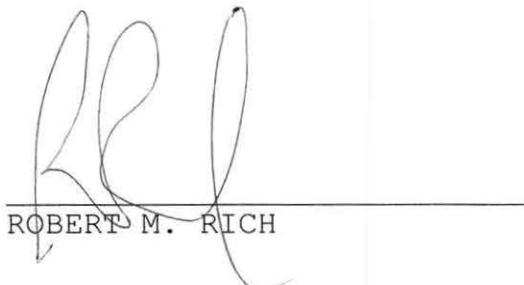
---

ROBERT M. RICH, of full age, certifies as follows:

1. I am an Attorney-at-Law of the State of New Jersey and I represent the plaintiff in the within matter. I make this Certification of my own personal knowledge.
2. On February 11, 2021, we served by regular and certified mail The Prentice-Hall Corporation System, the registered agent for Starbucks. We have never received the green receipt back. However, the regular mail never came back to us. We also served Starbucks by regular and certified mail on July 6, 2021. They were served on July 9, 2021, as can be seen by the green certified receipt attached

3. To date, there has been no response.
4. We have, once again, attempted service on Starbucks Corporation, by certified and regular mail, at their headquarters on October 14, 2021.
5. I would, therefore, respectfully request that the Order entered on August 27, 2021 be vacated and the matter restored to the active trial list.
6. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: October 19, 2021



ROBERT M. RICH

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

STARBUCKS  
49 Church ST.  
MONTCLAIR, NJ 07042



9590 9402 6057 0125 5048 32

2. Article Number (Transfer from service label)

7020 1290 0000 2626 8478

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *SD 15* Agent  
 Addressee

B. Received by (Printed Name)

C19

C. Date of Delivery

7-9

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

## 3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery  
Mail  
Mail Restricted Delivery -  
(over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

SEE REVERSE FOR INSTRUCTIONS

ROBERT M. RICH  
Attorney Id No: 270481971  
25 Pompton Avenue  
Verona, NJ 07044  
(973) 239-2255  
Attorney for Plaintiff

---

ANNETT OTTO FERARY,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION-ESSEX COUNTY
Plaintiff,	:	DOCKET NO: ESX-L-001082-21
	:	
-vs-	:	
	:	
STARBUCKS,	:	CIVIL ACTION
	:	
	:	NOTICE OF MOTION
Defendant.	:	

---

TO: ESSEX COUNTY CLERK  
Newark, New Jersey 07102

SIR:

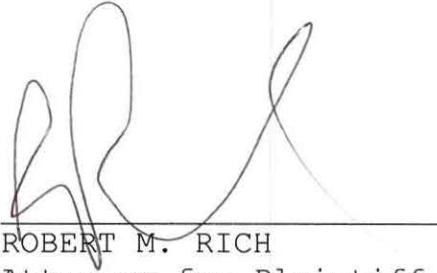
PLEASE TAKE NOTICE that the undersigned, attorney for the plaintiff, Annett Otto Ferary, shall apply before suchever Judge as this matter is assigned on November 5, 2021 at 9:00 a.m. in the forenoon or as soon thereafter as this matter is assigned, at the Essex County Court House, Newark, New Jersey, for an Order as follows:

Vacating the Order of Dismissal entered herein on August 27, 2021.

The undersigned will rely upon the Certification of Robert M. Rich in support of this application.

A proposed form of Order is attached.

Plaintiff waives oral argument and requests disposition on the papers.



ROBERT M. RICH  
Attorney for Plaintiff

Dated: October 19, 2021

CERTIFICATION

1. I am the secretary of Robert M. Rich, attorney for plaintiff, in the above matter.

2. On October 19, 2021, I mailed the original of the within Notice of Motion, together with supporting papers to the Clerk of Essex County. Copies of same were mailed to the following:

ESSEX COUNTY CLERK  
Newark, New Jersey 07102

3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.



CARMELITA ROVELLA

# FILED

8:25 am, Nov 05, 2021

ROBERT M. RICH  
Attorney Id No: 270481971  
25 Pompton Avenue  
Verona, NJ 07044  
(973)239-2255  
Attorney for Plaintiff

---

ANNETT OTTO FERARY, : SUPERIOR COURT OF NEW JERSEY  
Plaintiff, : LAW DIVISION-ESSEX COUNTY  
: DOCKET NO: ESX-L-001082-21  
:  
-vs- :  
:  
STARBUCKS, : CIVIL ACTION  
:  
: ORDER  
Defendant. :  

---

This matter having been heard before the Court upon the application of Robert M. Rich, attorney for plaintiff, and any reply papers thereto, and the Court having considered the papers and for good cause appearing,

IT IS ON THIS 5th DAY OF November , 2021,

ORDERED AS FOLLOWS:

That the Order dated August 27, 2021 be and is hereby vacated and the matter restored to the active trial list, <sup>without costs; and it is further</sup>

ORDERED that a copy of this Order shall be served upon all parties/counsel of record within seven (7) days of the date hereof, per the Rules of Court.

*/S/ Robert H. Gardner, J.S.C.*

Hon. Robert H. Gardner, J.S.C.

PAPERS CONSIDERED:

Notice of Motion

Certification

Reply Papers

Other

**OPPOSED**

**UNOPPOSED**

